

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**Joshua Adams,**

Plaintiff,

Case No.: **1:22-cv-05722-FB-RER**

-v-

**8618-8620 Third Avenue Realty Corp,  
Comeau Group Inc.**

**DEFAULT FINAL JUDGMENT  
AGAINST DEFENDANT**  
**8618-8620 THIRD AVENUE REALTY CORP.  
AND COMEAU GROUP INC.**

Defendants.

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**FINAL DEFAULT JUDGMENT**

THIS ACTION, having been commenced on August 23, 2022 by the filing of the Complaint [DE#1], and the Complaint [DE#1] having been served on Defendant 8618-8620 THIRD AVENUE REALTY CORP. and Defendant COMEAU GROUP INC. on September 26, 2022 via the Secretary of State as their authorized agent for service of process, and with proof of service having been filed on December 20, 2022 [DE#8 & DE9], and the Defendant having not appeared or answered the Complaint [DE#1], and the time for answering the Complaint [DE#1] having expired on October 17, 2022, it is hereby

ORDERED, ADJUDGED, and DECREED that the Plaintiff have Final Default Judgment against Defendant, Defendant 8618-8620 THIRD AVENUE REALTY CORP. and Defendant COMEAU GROUP INC. (hereinafter referred to as “Defendants”), as follows:

**A) Defendants shall be required apply for, obtain, and cause the removal and remediation the**

Disabilities Act 42 U.S.C. § 12181, *et seq.*, within 90 days following the date of the Court's entry of this Final Default Judgment:

**I. INACCESSIBLE ENTRANCE. ACCESSIBLE ROUTE TO ESTABLISHMENT NOT PROVIDED AS REQUIRED. ACCESSIBLE MEANS OF EGRESS NOT PROVIDED AS REQUIRED. EXISTING STEP AT ENTRANCE ACTS AS A BARRIER TO ACCESSIBILITY. REQUIRED RAMP NOT PROVIDED FOR STEP AT ENTRANCE.**

**(a) ADAAG 206 Accessible Routes**

ADAAG 206.1 General. Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4. ADAAG 206.2 Where Required. Accessible routes shall be provided where required by 206.2.

ADAAG 206.2.1 Site Arrival Points. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation

stops to the accessible building or facility entrance they serve.

ADAAG 206.4 Entrances. Entrances shall be provided in accordance with 206.4.

Entrance doors, doorways, and gates shall comply with 404 and shall be on an accessible route complying with 402. ADAAG 207 Accessible Means of Egress

ADAAG 207.1 General. Means of egress shall comply with section 1003.2.13 of the International Building Code (2000 edition and 2001 Supplement) or section 1007 of the International Building Code (2003 edition)

(incorporated by reference, "Referenced Standards" in Chapter 1).

ADAAG 402 Accessible Routes ADAAG 402.1 General. Accessible routes shall comply with 402. ADAAG 402.2 Components.

Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

ADAAG 403 Walking Surfaces ADAAG 403.4 Changes in Level. Changes in level shall comply with 303 ADAAG 303.4 Ramps.

Changes in level greater than 1/2 inch high shall be ramped, and shall comply with 405 or 406.

**II. REQUIRED MINIMUM MANEUVERING CLEARANCE NOT PROVIDED AT ENTRANCE DOOR. NON-COMPLIANT CHANGE IN FLOOR LEVEL WITHIN REQUIRED MANEUVERING CLEARANCE AT ENTRANCE DOOR.**

**(a) ADAAG 206 Accessible Routes ADAAG 206.1 General.**

Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4.

ADAAG 206.2 Where Required. Accessible routes shall be provided where required by 206.2.

ADAAG 206.2.1 Site Arrival Points. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

Entrances shall be provided in accordance with 206.4. Entrance doors, doorways, and gates shall

comply with 404 and shall be on an accessible route complying with 402.

ADAAG 206.4.1 Public Entrances.

In addition to entrances required by 206.4.2 through 206.4.9, at least 60 percent of all public

entrances shall comply with 404. ADAAG 207 Accessible Means of Egress

ADAAG 207.1 General. Means of egress shall comply with section 1003.2.13 of the International Building Code (2000 edition and 2001 Supplement) or section 1007 of the International Building Code (2003 edition) (incorporated by reference,

“Referenced Standards” in Chapter 1) ADAAG 404.2.4 Maneuvering Clearances.

Minimum maneuvering clearances at doors and gates shall comply with 404.2.4.

Maneuvering clearances shall extend the full width of the doorway and the required latch side or

hinge side clearance.

ADAAG 404.2.4.4 Floor or Ground Surface.

Floor or ground surface within required maneuvering clearances shall comply with 302.

Changes in level are not permitted.

### **III. NON-COMPLIANT DOOR KNOB AT ENTRANCE DOOR REQUIRES TWISTING OF THE WRIST.**

(a) ADAAG 404 Doors, Doorways, and Gates

ADAAG 404.1 General. Doors, doorways, and gates that are part of an accessible route shall comply with 404. ADAAG 404.2.7 Door and Gate Hardware.

Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4 ADAAG 309.4 Operation. Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum.

### **IV. INACCESSIBLE BAR REQUIRED MINIMUM CLEAR FLOOR SPACE ALLOWING A FORWARD APPROACH NOT PROVIDED AT BAR.**

(a) ADAAG 226 Dining Surfaces and Work Surfaces

ADAAG 226.1 General.

Where dining surfaces are provided for the consumption of food or drink, at least 5 percent

of the seating spaces and standing spaces at the dining surfaces shall comply with 902.

ADAAG 902.2 Clear Floor or Ground Space.

A clear floor space complying with 305 positioned for a forward approach shall be provided.

Knee and toe clearance complying with 306 shall be provided.

ADAAG 305.3 Size.

The clear floor or ground space shall be 30 inches (760 mm) minimum by 48 inches (1220 mm)

minimum.

ALLOWANCE. REQUIRED MINIMUM KNEE AND TOE CLEARANCE NOT PROVIDED AT BAR. PORTION OF BAR REQUIRED TO BE ACCESSIBLE NOT PROVIDED.

(a) ADAAG 226 Dining Surfaces and Work Surfaces

ADAAG 226.1 General. Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902. ADAAG 902 Dining Surfaces and Work Surfaces

ADAAG 902.1 General. Dining surfaces and work surfaces shall comply with 902.2 and 902.3.

Advisory 902.1 General. Dining surfaces include, but are not limited to, bars, tables, lunch counters, and booths. ADAAG 902.2 Clear Floor or Ground Space.

A clear floor space complying with 305 positioned for a forward approach shall be provided.

Knee and toe clearance complying with 306 shall be provided.

ADAAG 902.3 Height. The tops of dining surfaces and work surfaces shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum above the finish floor or ground.

ADAAG 306.2 Toe Clearance. ADAAG 306.2.3 Minimum Required Depth.

Where toe clearance is required at an element as part of a clear floor space, the toe clearance shall extend 17 inches (430 mm) minimum under the element.

ADAAG 306.2.5 Width. Toe clearance shall be 30 inches (760 mm) wide minimum.

ADAAG 306.3 Knee Clearance.

ADAAG 306.3.3 Minimum Required Depth.

Where knee clearance is required under an element as part of a clear floor space, the knee

clearance shall be 11 inches deep minimum at 9 inches above the ground, and 8 inches deep

minimum at 27 inches (685 mm) above the finish floor or ground.

ADAAG 306.3.5 Width. Knee clearance shall be 30 inches (760 mm) wide minimum.

**VI. INACCESSIBLE DINING TABLES. REQUIRED MINIMUM KNEE AND TOE CLEARANCE NOT PROVIDED AT DINING TABLES. A MINIMUM PERCENTAGE OF EXISTING DINING TABLES REQUIRED TO BE ACCESSIBLE NOT PROVIDED.**

(a) ADAAG 226 Dining Surfaces and Work Surfaces

ADAAG 226.1 General. Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902. ADAAG 902 Dining Surfaces and Work Surfaces

ADAAG 902.1 General. Dining surfaces and work surfaces shall comply with 902.2 and 902.3.

ADAAG 902.2 Clear Floor or Ground Space. A clear floor space complying with 305 positioned for a forward approach shall be provided. Knee and toe clearance complying with 306 shall be provided. ADAAG 306.2 Toe Clearance. ADAAG 306.2.3 Minimum Required Depth.

Where toe clearance is required at an element as part of a clear floor space,

the toe clearance shall extend 17 inches (430 mm) minimum under the element. ADAAG 306.2.5 Width. Toe clearance shall be 30 inches (760 mm) wide minimum. ADAAG 306.3 Knee Clearance. ADAAG 306.3.3 Minimum Required Depth. Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the ground, and 8 inches deep minimum at 27 inches (685 mm) above the finish floor or ground. ADAAG 306.3.5 Width. Knee clearance shall be 30 inches (760 mm) wide minimum.

## **VII. INACCESSIBLE DINING BOOTH TABLES, RAISED FLOOR SURFACE AT DINING BOOTH TABLES ACTS AS A BARRIER TO ACCESSIBILITY.**

(a) ADAAG 206.2.5 Restaurants and Cafeterias.

In restaurants and cafeterias, an accessible route shall be provided to all dining areas,

including raised or sunken dining areas, and outdoor dining areas.

ADAAG 206 Accessible Routes ADAAG 206.1 General. Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4. ADAAG 402 Accessible Routes ADAAG 402.1 General. Accessible routes shall comply with 402.

ADAAG 402.2 Components. Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4. ADAAG 403 Walking Surfaces

ADAAG 403.4 Changes in Level. Changes in level shall comply with 303

ADAAG 303.4 Ramps.

Changes in level greater than 1/2 inch high shall be ramped, and shall comply with 405 or 406.

## **VIII. REQUIRED MINIMUM CLEAR FLOOR SPACE ALLOWING A FORWARD APPROACH NOT PROVIDED AT DINING BOOTH TABLES.**

(a) ADAAG 226 Dining Surfaces and Work Surfaces

ADAAG 226.1 General. Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902. ADAAG 902.2 Clear Floor or Ground Space. A clear floor space complying with 305 positioned for a forward approach shall be provided. Knee and toe clearance complying with 306 shall be provided. ADAAG 305.3 Size.

The clear floor or ground space shall be 30 inches (760 mm) minimum by 48 inches (1220 mm) minimum.

## **IX. INACCESSIBLE WINDOW FRONT DINING COUNTER. NON-COMPLIANT HEIGHT OF WINDOW FRONT DINING COUNTER EXCEEDS MAXIMUM HEIGHT ALLOWANCE. REQUIRED MINIMUM KNEE AND TOE CLEARANCE NOT PROVIDED AT WINDOW FRONT DINING COUNTER. PORTION OF WINDOW FRONT DINING COUNTER REQUIRED TO BE ACCESSIBLE NOT PROVIDED.**

ADAAG 226.1 General. Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902. ADAAG 902 Dining Surfaces and Work Surfaces

ADAAG 902.1 General. Dining surfaces and work surfaces shall comply with 902.2 and 902.3.

Advisory 902.1 General. Dining surfaces include, but are not limited to, bars, tables, lunch counters, and booths. ADAAG 902.2 Clear Floor or Ground Space.

A clear floor space complying with 305 positioned for a forward approach shall be provided.

Knee and toe clearance complying with 306 shall be provided.

ADAAG 902.3 Height. The tops of dining surfaces and work surfaces shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum above the finish floor or ground.

ADAAG 306.2 Toe Clearance. ADAAG 306.2.3 Minimum Required Depth.

Where toe clearance is required at an element as part of a clear floor space, the toe clearance shall extend 17 inches (430 mm) minimum under the element. ADAAG 306.2.5 Width.

Toe clearance shall be 30 inches (760 mm) wide minimum. ADAAG 306.3 Knee Clearance.

ADAAG 306.3.3 Minimum Required Depth. Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the ground, and 8 inches deep minimum at 27 inches (685 mm) above the finish floor or ground. ADAAG 306.3.5 Width. Knee clearance shall be 30 inches (760 mm) wide minimum.

## **X. COMPLIANT SIGNAGE IDENTIFYING THE FIRST OF TWO RESTROOMS NOT PROVIDED AS REQUIRED.**

ADAAG 216 Signs ADAAG 216.1 General.

Signs shall be provided in accordance with 216 and shall comply with 703. ADAAG 216.2 Designations. Interior and exterior signs identifying permanent rooms and spaces shall comply with 703.1, 703.2, and 703.5. Where pictograms are provided as designations of permanent interior rooms and spaces, the pictograms shall comply with 703.6 and shall have text descriptors complying with 703.2 and 703.5.

Advisory 216.2 Designations.

Section 216.2 applies to signs that provide designations, labels, or names for interior rooms or

spaces where the sign is not likely to change over time. Examples include interior signs labeling

restrooms, room and floor numbers or letters, and room names. Tactile text descriptors are

required for pictograms that are provided to label or identify a permanent room or space.

Pictograms that provide information about a room or space, such as “no smoking,” occupant logos, and the International Symbol of Accessibility, are not required to have text descriptors.

ADAAG 703.1 General. Signs shall comply with 703. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided.

shall be located 48 inches (1220 mm) minimum above the finish floor or ground surface, measured from the baseline of the lowest tactile character and 60 inches (1525

mm) maximum above the finish floor or ground surface, measured from the baseline of the highest tactile character. ADAAG 703.4.2 Location. Where a tactile sign is provided at a door, the sign shall be located alongside the door at the latch side.

Where a tactile sign is provided at double doors with one active leaf, the sign shall be located on the inactive leaf. Where a tactile sign is provided at double doors with two active leafs, the sign shall be located to the right of the right hand door. Where there is no wall space at the latch side of

a single door or at the right side of double doors, signs shall be located on the nearest adjacent

wall. Signs containing tactile characters shall be located so that a clear floor space of 18 inches

(455 mm) minimum by 18 inches (455 mm) minimum, centered on the tactile characters, is

provided beyond the arc of any door swing between the closed position and 45 degree open

position.

## **XI. THE FIRST OF TWO RESTROOMS IS INACCESSIBLE.**

### **REQUIRED MINIMUM CLEAR WIDTH NOT PROVIDED AT DOOR OF THE FIRST OF TWO RESTROOMS.**

#### **(a) ADAAG 206 Accessible Routes**

ADAAG 206.1 General. Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4. ADAAG 402 Accessible Routes

ADAAG 402.1 General. Accessible routes shall comply with 402.

ADAAG 402.2 Components. Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

ADAAG 404.2.3 Clear Width. Door openings shall provide a clear width of 32 inches (815 mm) minimum. Clear openings of doorways with swinging doors shall be measured

between the face of the door and the stop, with the door open 90 degrees.

## **XII. REQUIRED MINIMUM MANEUVERING CLEARANCE NOT PROVIDED AT DOOR OF THE FIRST OF TWO RESTROOMS.**

#### **(a) ADAAG 206 Accessible Routes**

ADAAG 206.1 General. Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4. ADAAG 402 Accessible Routes

ADAAG 402.1 General. Accessible routes shall comply with 402.

ADAAG 402.2 Components. Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform

ADAAG 404.2.4 Maneuvering Clearances. Minimum maneuvering clearances at doors and gates shall comply with 404.2.4. Maneuvering clearances shall extend the full width of the doorway and the required latch side or hinge side clearance.

### **XIII. NON-COMPLIANT DOOR KNOB AT DOOR OF THE FIRST OF TWO RESTROOMS REQUIRES TWISTING OF THE WRIST.**

(a) ADAAG 404 Doors, Doorways, and Gates

ADAAG 404.1 General. Doors, doorways, and gates that are part of an accessible route shall comply with 404. ADAAG 404.2.7 Door and Gate Hardware.

Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4 ADAAG 309.4 Operation. Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum.

### **XIV. REQUIRED MINIMUM TURNING SPACE NOT PROVIDED IN THE FIRST OF TWO RESTROOMS.**

(a) ADAAG 603 Toilet and Bathing Rooms

ADAAG 603.1 General. Toilet and bathing rooms shall comply with 603.

ADAAG 603.2 Clearances. Clearances shall comply with 603.2. ADAAG 603.2.1 Turning Space. Turning space complying with 304 shall be provided within the room.

ADAAG 304.3.1 Circular Space. The turning space shall be a space of 60 inches (1525 mm) diameter minimum. The space shall be permitted to include knee and toe clearance complying with 306.

### **XV. INACCESSIBLE LAVATORY IN THE FIRST OF TWO RESTROOMS.**

#### **INACCESSIBLE TRAVEL PATH TO LAVATORY IN THE FIRST OF TWO RESTROOMS. REQUIRED MINIMUM CLEAR WIDTH NOT PROVIDED AT TRAVEL PATH TO LAVATORY IN THE FIRST OF TWO RESTROOMS.**

(a) ADAAG 402 Accessible Routes

ADAAG 402.1 General.

Accessible routes shall comply with 402.

ADAAG 402.2 Components. Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

ADAAG 403 Walking Surfaces ADAAG 403.1 General. Walking surfaces that are a part of an accessible route shall comply with 403. ADAAG 403.5.1 Clear Width. Except as provided in 403.5.2 and 403.5.3, the clear width of walking surfaces shall be 36 inches (915 mm) minimum.

### **XVI. REQUIRED MINIMUM CLEAR FLOOR SPACE NOT PROVIDED AT LAVATORY IN THE FIRST OF TWO RESTROOMS.**

(a) ADAAG 606 Lavatories and Sinks.

ADAAG 606.2 Clear Floor Space.

A clear floor space complying with 305, positioned for a forward approach, and

knee and toe

clearance complying with 306 shall be provided. ADAAG 305.3 Size.

The clear floor or ground space shall be 30 inches (760 mm) minimum by 48 inches (1220 mm)

minimum.

## **XVII. INSULATION OF PIPES AND WATER LINES UNDER THE LAVATORY IN THE FIRST OF TWO RESTROOMS NOT PROVIDED AS REQUIRED.**

### **(a) ADAAG 606 Lavatories and Sinks.**

ADAAG 606.5 Exposed Pipes and Surfaces. Water supply and drain pipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.

## **XVIII. INACCESSIBLE MIRROR IN THE FIRST OF TWO RESTROOMS.**

### **NON COMPLIANT MOUNTED HEIGHT OF MIRROR IN THE FIRST OF TWO RESTROOMS EXCEEDS MAXIMUM HEIGHT ALLOWANCE.**

#### **(a) ADAAG 603.3 Mirrors.**

Mirrors located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 40 inches (1015 mm) maximum above the finish floor or ground.

Mirrors not located above lavatories or countertops shall be installed with the bottom edge

of the reflecting surface 35 inches (890 mm) maximum above the finish floor or ground.

## **XIX. INACCESSIBLE WATER CLOSET IN THE FIRST OF TWO RESTROOMS.**

### **INACCESSIBLE TRAVEL PATH TO WATER CLOSET IN THE FIRST OF TWO RESTROOMS. REQUIRED MINIMUM CLEAR WIDTH NOT PROVIDED AT TRAVEL PATH TO WATER CLOSET.**

#### **(a) ADAAG 402 Accessible Routes**

ADAAG 402.1 General. Accessible routes shall comply with 402.

## **XX. INACCESSIBLE WATER CLOSET IN THE SECOND OF TWO RESTROOMS.**

### **NON-COMPLIANT DISTANCE OF WATER CLOSET FROM SIDE WALL IN THE SECOND OF TWO RESTROOMS.**

#### **(a) ADAAG 604 Water Closets and Toilet Compartments. ADAAG 604.2 Location.**

The water closet shall be positioned with a wall or partition to the rear and to one side. The centerline of the water closet shall be 16 inches minimum to 18 inches maximum from the side wall or partition

## **XXI. NON-COMPLIANT EXISTING GRAB BAR AT SIDE WALL OF WATER**

(a) ADAAG 604 Water Closets and Toilet Compartments ADAAG 604.5.1 Side Wall. The side wall grab bar shall be 42 inches (1065 mm) long minimum, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall.

**XXII. NON-COMPLIANT LOCATION OF EXISTING GRAB BAR AT SIDE WALL OF WATER CLOSET IN THE SECOND OF TWO RESTROOMS EXCEEDS MAXIMUM DISTANCE ALLOWED FROM REAR WALL.**

(a) ADAAG 604.5.1 Side Wall.

The side wall grab bar shall be 42 inches (1065 mm) long minimum, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall.

**XXIII. THE MINIMUM SPACE REQUIRED AT WATER CLOSET IN THE SECOND OF TWO RESTROOMS IS OBSTRUCTED BY A BABY CHANGING TABLE.**

(a) ADAAG 604.8 Toilet Compartments.

Wheelchair accessible toilet compartments shall meet the requirements of 604.8.1 and 604.8.3. Compartments containing more than one plumbing fixture shall comply with 603. Ambulatory accessible compartments shall comply with 604.8.2 and 604.8.3. ADAAG Advisory 604.8.1.1 Size. The minimum space required in toilet compartments is provided so that a person using a wheelchair can maneuver into position at the water closet. This space cannot be obstructed by baby changing tables or other fixtures or conveniences, except as specified at 604.3.2 (Overlap). If toilet compartments are to be used to house fixtures other than those associated with the water closet, they must be designed to exceed the minimum space requirements. Convenience fixtures such as baby changing tables must also be accessible to people with disabilities as well as to other users. Toilet compartments that are designed to meet, and not exceed, the minimum space requirements may not provide adequate space for maneuvering into position at a baby changing table. ADAAG 604.3.2 Overlap.

The required clearance around the water closet shall be permitted to overlap the water closet, associated grab bars, dispensers, sanitary napkin disposal units, coat hooks, shelves, accessible routes, clear floor space and clearances required at other fixtures, and the turning space. No other fixtures or obstructions shall be located within the required water closet clearance.

**XXIV. ADEQUATE SPACE FOR MANEUVERING INTO POSITION NOT PROVIDED AT BABY CHANGING TABLE IN THE SECOND OF TWO RESTROOMS.**

compartments shall meet the requirements of 604.8.1 and 604.8.3. Compartments containing more than one plumbing fixture shall comply with 603. Ambulatory accessible compartments shall comply with 604.8.2 and 604.8.3. ADAAG Advisory 604.8.1.1 Size. The minimum space required in toilet compartments is provided so that a person using a wheelchair can maneuver into position at the water closet. This space cannot be obstructed by baby changing tables or other fixtures or conveniences, except as specified at 604.3.2 (Overlap). If toilet compartments are to be used to house fixtures other than those associated with the water closet, they must be designed to exceed the minimum space requirements. Convenience fixtures such as baby changing tables must also be accessible to people with disabilities as well as to other users. Toilet compartments that are designed to meet, and not exceed, the minimum space requirements may not provide adequate space for maneuvering into position at a baby changing table.

**B)** Plaintiff shall serve a copy of this Default Final Judgment, *and* all supporting papers by Certified U.S. Mail and file proof of such service on the record.

**C)** Plaintiff shall have 180 days after date of the Court's entry of this Final Default Judgment to file a motion to tax costs and award reasonable attorney's fees and shall file all an affirmation in support of that motion, a copy of Plaintiff's fee statements or time entry billing, and receipts for costs sought in said motion.

DONE and ORDERED in Brooklyn, New York,

/S/ Frederic Block 8-16-2023  
HONORABLE FREDERIC BLOCK  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK